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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,897	06/15/2001	Martin Niklasson	123319.200	6620

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/880,897	<b>Applicant(s)</b> NIKlasson, Martin	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                       |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____                                                |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 8/29/05 have been fully considered but they are not persuasive.

(a) Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

(b) In response to applicant's argument that **"the Examiner has not demonstrated any motivation for combining Cheung with Aras as discussed in the rejection of claim 6"**, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Additionally, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Cheung

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discloses a system in which when a selection is made by a subscriber, the time of day and channel identification is recorded in memory to be sent to a remote location (col. 1, lines 4-26). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Aras's system to include a channel identifier along with a time stamp to be stored in a list, for providing market research groups or television networks additional information to analyze – thereby aiding audience analysis market researchers which channel(s) viewers watch the most.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 30-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Specification fails to support that the trigger is provided without an identification of the trigger as recited in claims 30-33. The Specification only discloses that the unique trigger ID is omitted from the trigger...trigger header is sent in data stream on page 6, paragraph [0031] of the Specification. However, the trigger header identifies the trigger, therefore claim 30-33 are not practical.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 14-15, 17-18, 22-25, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Massetti (5,850,249).

Considering claim 12, Massetti discloses a method of logging events in a multimedia integrated receiver decoder (TV receiver 36, 38, 40 – Fig. 1), said method comprising the following steps:

- a) providing a trigger (source identification code – col. 15, lines 1-8),
- b) transmitting said trigger to said integrated receiver decoder in a data stream together with an event to be monitored (col. 15, lines 1-8), and
- c) if said integrated receiver decoder is tuned to said data stream, storing said trigger (col. 15, lines 26-50).
- d) transmitting said stored trigger information from said IRD without user identification information (col. 15, lines 26-50, col. 10, lines 11-17, col. 16, lines 25-40, col. 17, lines 22-26).

As for claim 14, Massetti disclose wherein said trigger comprises a unique trigger identity identification. The source identification code is a program ID which is a unique trigger identity identification – col. 15, lines 1-8

As for claim 15, Massetti discloses wherein said trigger identity identification is stored in a log file (line-up table; col. 15, lines 43-50, col. 16, lines 33-40).

As for claim 17, Massetti discloses a method wherein a channel identifier identifying the channel presently tuned to is stored in a list together with a time stamp (col. 15, lines 28-40).

As for claim 18, Massetti discloses wherein said stored trigger information is used for determining selection of specific event. – col. 15, lines 35-50, col. 6, lines 48-56.

As for claim 22, Massetti discloses a multimedia integrated receiver decoder, comprising:

- a device (TV receiver 36, 38, 40 – Fig. 1) for receiving a data stream (col. 7, lines 14-21)
- a device (184 – Fig. 5) for identifying triggers (source identification codes) in said data stream accompanying an event in said data stream (col. 15, lines 28-42),

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- a device (192 – Fig. 5) for storing information regarding said triggers (col. 15, lines 30-43), and
- a device (194 – Fig. 5) for transmitting said stored information without user identification information (col. 15, lines 34-43).

As for claim 23, Massetti discloses a system for logging events in a multimedia integrated receiver decoder, said system comprising:

- a transmitter (44, 46, 48 – Fig. 1, col. 7, lines 22-40)
- a receiver (TV receiver 36, 38, 40 – Fig. 1)
- a device (74 – Fig. 1) for interconnecting said transmitter and said receiver (col. 7, lines 15-35) ,

wherein said transmitter comprises:

- a device (44, 46, 48 – Fig. 1) for providing triggers in a data stream accompanying an event (col. 7, lines 22-40, lines 55-60),
- a device (44, 46, 48 – Fig. 1) for transmitting said data stream to said receiver, and wherein

-said receiver comprises

- a device (184 – Fig. 5) for identifying said triggers (source identification codes) in a data stream received by the receiver (col. 15, lines 28-42),
- a device (192 – Fig. 5) for storing identified triggers in memory (col. 15, lines 30-43), and

-a device (194 – Fig. 5) for transmitting said stored identified triggers from said integrated receiver decoder without user identification information (col. 15, lines 34-43).

As for claim 24, Massetti discloses a computer program product directly loadable into the internal memory of a multimedia integrated receiver decoder, said computer program product comprising software code portions (As there is a memory, processor, and microcontroller, there is software code to execute the following steps) for performing the following steps:

- identifying triggers (source identification codes) in a data stream received by the multimedia integrated receiver decoder (184 – Fig. 5, col. 15, lines 28-42),
- storing identified triggers in memory (192 – Fig. 5, col. 15, lines 30-43), and
- transmitting said stored identified triggers from said integrated receiver decoder (col. 15, lines 34-43)
- transmitting said stored trigger information from said IRD without user identification information (col. 15, lines 34-43).

Claim 25 contains the limitations of claims 12 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 22 and 17 and is analyzed as previously discussed with respect to those claims.



Claim 28 contains the limitations of claims 23 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 29 contains the limitations of claims 24 and 17 and is analyzed as previously discussed with respect to those claims.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti in view of Block (4,528,589).

As for claim 16, Massetti fails to disclose a method wherein said log file comprises only stored identity identifications.

In an analogous art, Block discloses a unique program identification code that is stored at the subscriber station and transmitted to a remote location (col. 4, lines 15-48).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's system to include a log file which comprises only stored identity identifications, as taught by Block, for the advantage of providing a simpler technique for billing purposes (col. 4, lines 15-38, col. 5, lines 35-48).

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti in view of Cheung (4258386).

As for claim 26, Massetti discloses wherein a trigger is sent as discussed above in claim 12 but fails to disclose wherein said trigger comprises only a command for storing said channel identifier and a time stamp.

In an analogous art, Cheung discloses wherein a trigger comprises a command for storing only the channel ID and time stamp – col. 2, lines 43-52, col. 1, lines 7-12.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein a trigger comprises a command for storing only the channel ID and time stamp, as taught by Cheung, for the advantage of limiting the amount of information of statistical data of programs watched by a user to a minimum.

6. Claims 13, 19-21, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti in view Aras.

Considering claim 13, Massetti fails to disclose wherein said transmitting is initiated by a service provider.

In an analogous art, Aras discloses wherein the table is reported to the BCC when requested by the BCC – col. 17, lines 57-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein said transmitting is initiated by a service provider, as taught by Aras, for the advantage of the service provider collecting the statistical information at its convenience or when needed.

As for claim 19, Massetti fails to disclose wherein at least two triggers are sent for a single event to be monitored, wherein said single event is a commercial.

In an analogous art, Aras discloses wherein each broadcast of AVM is embedded with one or more AVIs (trigger) and that the AVM is a commercial. – see col. 8, lines 1-10, lines 52-67

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein at least two triggers are sent for a single event to be monitored, wherein said single event is a commercial, as taught by Aras, for the advantage of allowing advertisers to know the number of consumers that have viewed their commercials completely.

As for claim 20, Massetti fails to disclose wherein said at least two triggers are similar.

In an analogous art, Aras discloses a start index and stop index. Both of these are similar in that both are time indices - col. 9, lines 1-10.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein at least two triggers are similar and that both are time indices, as taught by Aras, for the advantage of allowing the advertiser to know the number of consumers that have viewed their commercials completely.

As for claim 21, Massetti fails to disclose wherein one of the at least two triggers is a start trigger and one of the at least two triggers is a stop trigger.

In an analogous art, Aras discloses wherein one of the triggers is a start index (start trigger) and the other a stop index (stop trigger) – col. 9, lines 1-10, col. 20, lines 15-40.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein one of the at least two triggers is a start trigger and one of the at least two triggers is a stop trigger, as taught by Aras, for the advantage of allowing the advertiser to know the number of consumers that have viewed their commercials completely.

As for claim 30, Massetti fails to disclose wherein the trigger is provided without an identification of the trigger.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (trigger information) - col. 22, lines 60-67, col. 23, lines 1-13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein the trigger is provided without an identification of the trigger, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

As for claim 31, Massetti fails to disclose wherein the triggers in said data stream are without an identification of the triggers.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (triggers) - col. 22, lines 60-67, col. 23, lines 1-13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein the triggers in said data stream are without an identification of the triggers, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

As for claim 32, Massetti fails to disclose wherein the triggers are without an identification of the triggers.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (triggers) - col. 22, lines 60-67, col. 23, lines 1- 13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein the triggers are without an identification of the triggers, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

As for claim 33, Massetti fails to disclose wherein the triggers are without an identification of the triggers.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (triggers) - col. 22, lines 60-67, col. 23, lines 1- 13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein the triggers are without an identification of the triggers, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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